

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

KENNETH RAY BATES,

Petitioner,

Case No. 3:03 CV 7284

-VS-

O R D E R

UNITED STATES OF AMERICA,

Respondent.

KATZ, J.

On October 11, 2005 the Court denied Petitioner's motion for reconsideration. (Doc. No. 18). With regard to that ruling the Court finds that under 28 U.S.C. §1915(a), an appeal of this case should not proceed *in forma pauperis* as it would not be taken in good faith.

Further, a motion for certificate of probable cause under 28 U.S.C. §2253 is hereby denied *sua sponte*.

IT IS SO ORDERED.

s/ David A. Katz
DAVID A. KATZ
SENIOR U. S. DISTRICT JUDGE